

REMARKS

The claims have been amended in accordance with the marked-up amendments, above. The amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

The applicants would like to thank the Examiner for the courtesies extended during the telephonic interview of April 22, 2008 ("Interview"). While, during the Interview, it was agreed that the pending claims as amended contained limitations not found in the art of record, no agreement was reached as to the ultimate patentability of those claims due to the potential for the Examiner to uncover further art in an additional search. As discussed during the Interview, the applicants have set forth remarks clearly describing how the pending claims overcome the art of record and meet the requirements of 35 U.S.C. §§ 101 and 112.

In the Office Action mailed on 03/04/2008 ("Office Action"), each of the pending claims was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Additionally, each of the claims was rejected under 35 U.S.C. § 103 as obvious over U.S. 5,734,837 ("Flores") in view of U.S. 6,289,382 ("Bowman-Amuah") and further in view of U.S. 6,151,390 ("Volftsun"). Additionally, claim 4 was rejected under 35 U.S.C. § 112, ¶ 1 as containing subject matter which was not described to convey to one skilled in the art that the inventors had possession of the claimed invention at the time the application was filed. For the reasons set forth below, and as discussed during the Interview, the applicants request that the pending rejections be reconsidered, and withdrawn, and that the claims be allowed in their current form.

The Pending Claims Are Directed to Statutory Subject Matter

The Office Action stated that the software of claims 1-10 is not a process, machine, manufacture, or composition of matter, or any improvement thereof. In response, the applicants note that the claims are directed to a “mediation manager.” As is made clear from the disclosure of the original application, a “mediation manager” is a type of mediation system, that is, it is a device which is configured to perform data handling to interface between network elements and applications.¹ The law is clear that such a device is patentable subject matter, because the instructions which configure the device create a new machine which can be patented.² Accordingly, the applicants request that the rejections of the pending claims under 35 U.S.C. § 101 be reconsidered and withdrawn.

There is Adequate Written Description Support for Claim 4

The Office Action rejected claim 4 as directed to “subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.” Office Action at 2. In support of the rejection, the Office Action asserted that the specification did not define the terms “modifiable element” and “nonmodifiable element” either explicitly or implicitly, and concluded that, since those terms do appear in claim 4, that claim does not comply with the written description requirement. Office Action at 2.

In response, the applicants submit that the rejection of claim 4 is flawed, and should be withdrawn because, as discussed in the Interview, even if there were no

¹ See, e.g., ¶ 7 of the application as filed (“Acting as the isolation layer, mediation systems such as Real-Time Processing Manager (RPM) (a.k.a., Mediation Manager) advantageously provides the reliable data handling necessary to interface between ever-changing network elements and applications.”). Further, as discussed during the Interview, the specific components recited in the bodies of claims 1-9 also indicate that those claims are directed to statutory subject matter.

² *In re Alapatt*, 33 F.3d 1526 (Fed. Cir. 1994) (“We have held that such programming creates a new machine, because a general purpose computer in effect becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software.”).

support for claim 4 in the remainder of the specification, the claims as originally filed are considered part of the specification, and written description support can be found in the claims themselves. MPEP § 2163 (“It is now well accepted that a satisfactory description may be in the claims or any other portion of the originally filed specification.”). Further, even if it were a close question of whether claim 4 satisfies 35 U.S.C. § 112 ¶ 1, “[t]here is a strong presumption that an adequate written description of the claimed invention is present when the application is filed,” (MPEP § 2163) and the Office Action only asserted that the applicants did not provide definitions for certain terms in claim 4, but did not provide any evidence which would overcome the strong presumption of written description support for claim 4 as originally filed. Accordingly, the rejection of claim 4 under 35 U.S.C. § 112 ¶ 1 should be reconsidered and withdrawn.

The Pending Claims Are Not Obvious Over the Art of Record

Claim 1

Claim 1 as originally filed recited a protocol handler configured to receive usage data from a plurality of network elements and to format the usage data into a standard format; a data handler configured to parse, format and assemble the standard format usage data in accordance with a plurality of scripts; and a mediation script designer configured to graphically and interactively present a user with an environment for modifying the plurality of scripts. While the Office Action observed that no one reference taught or suggested each element of claim 1, it stated that the elements of claim 1 were found in the combination of Volftsun, Bowman-Amuah and Flores. Further the Office Action asserted that “it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the scripting method of Flores with the data handling techniques of Bowman-Amuah and Volftsun because converting signals from different sources to one standard format makes the system more efficient and robust.” Office Action at 4. In response, the applicants have amended claim 1 according to the proposed amendments discussed during the

Interview to focus more specifically on the telecommunications field. As discussed during the Interview, amended claim 1 includes limitations which are clearly not taught or suggested in any of Volftsun, Bowman-Amuah, or Flores. An element-by-element analysis of the changes to claim 1, and their relationship to the art of record is set forth below.

**The Cited Art Does Not Include a Protocol Handler,
Which is Capable of Formatting Usage Data For a
Plurality of Types of Content Delivery Which have
Already Taken Place**

For the protocol handler, the applicants have amended claim 1 to specify that the network elements, that the protocol handler receives usage data from, comprise “a plurality of telecommunication devices” and that the usage data “comprises transaction data for a plurality of types of content delivery which has previously taken place over a network.”

Of the references cited against claim 1, the applicants submit that both Bowman-Amuah and Flores clearly lack any teaching or suggestion of the protocol handler, and note that even the Office Action conceded that that element was not disclosed in either of those references.³

The applicants note that the section of Volftsun cited as teaching the protocol handler, the abstract, describes conversion between protocols using channel associated signaling. In Volftsun, a protocol conversion system is placed between a first signaling system which uses common channel signaling, and a second signaling system which uses the incompatible channel associated signaling protocol. The conversion system receives messages from the first signaling system, converts them to messages in the format of the second signaling system, and then relays them to the second signaling system. In this manner, the system of Volftsun allows a voice conversation to take place between two systems which use incompatible protocols. While Volftsun is arguably related to telecommunications, the applicants note that it does not teach or suggest formatting for usage data which comprises transaction data

³ Office Action at 3-4.

for a plurality of types of content delivery which has *previously* taken place. Instead, Volftsun teaches conversion of communications *en route* before they are completed. Further, the cited section of Volftsun discloses only one type of conversion – conversion of voice messages sent using the common channel signaling protocol. By contrast, claim 1 now recites that the usage data comprises transaction data for a *plurality* of types of content delivery – a much more versatile system than disclosed in the cited section of Volftsun. Accordingly, the applicants submit that the protocol handler as currently recited in claim 1 is not taught or suggested in Volftsun, or any of the other art of record.

**The Cited Art Does Not Include a Data Handler
Which is Used for a *Multi-Step Information
Manipulation Process***

For the data handler, the applicants have amended claim 1 to specify that formatting and assembling the standard format usage data by the data handler comprises “converting a plurality of validated call detail records into a plurality of intermediate records, and aggregating the plurality of intermediate records into a plurality of assembled records.”

Of the references cited against claim 1, the applicants submit that both Volftsun and Flores clearly lack any teaching or suggestion of the data handler, and note that even the Office Action conceded that that element was not disclosed in either of those references.⁴

The applicants also note that the section of Bowman-Amuah cited against claim 1, figures 158 and 161, as well as lines 30-60 of column 275 and lines 20-25 of column 276, disclose a data handler which encapsulates logic used in database retrieval. The applicants submit that this is very different from the data handler in current claim 1 for at least the reasons that there is no teaching or suggestion that the data handler of Bowman-Amuah is operable to perform a two step process where first a plurality of validated call detail records are converted into intermediate records, and *then* the plurality of intermediate records are aggregated into a plurality of assembled

⁴ Office Action at 3-4.

records. Instead, the cited portions of Bowman-Amuah teach only that the data handler can be used in database information *retrieval*. However, there is no teaching or suggestion that the data handler is used for any type of information manipulation, let alone the specific type of manipulation recited in claim 1. Accordingly, the applicants submit that the data handler as currently recited in claim 1 is not taught or suggested in Bauman-Amuah, or any other art of record.

**The Cited Art Does Not Include a Mediation Script
Designer Configured to Display Network Element
Events in a Tree Model, or to Display Network
Element Definitions in an Event Viewer Window**

For the mediation script designer, the applicants have amended claim 1 to specify that the environment presented by that designer comprises “a scripting area configured to display network element events using a tree model, and an event viewer window operable to display network element definitions.”

Of the references cited against claim 1, the applicants submit that both Volftsun and Bowman-Amuah clearly lack any teaching or suggestion of the script designer, and note that even the Office Action conceded that that element was not disclosed in either of those references.⁵

The applicants also note that Flores discloses a tool for consultants, business process analysis and application developers with which to conduct business process analysis, design, documentation and to generate business process definitions and workflow-enabled applications.⁶ In that tool “[a] workflow scripting language is available to automate the generation of workflow acts and to set conditions for execution of those acts. Scripting is also used to set conditions for calling other functions or programs or generating E-mail.”⁷ There is no teaching or suggestion anywhere in Flores that the scripts are used in a telecommunications environment, or that they are created using a script designer which includes specializations for such an environment, including a scripting area configured to display network element events

⁵ Office Action at 3-4.

⁶ Flores, abstract.

⁷ Flores, col. 7, l. 67 – col. 8, l. 3.

using a tree model, and an event viewer window operable to display network element definitions, both of which are now explicitly recited in claim 1. Accordingly, the applicants submit that the mediation script designer as currently recited in claim 1 is not taught or suggested in Flores, or any other art of record.

**Even if All Elements of Claim 1 Were Taught in the
Cited Art, They Would Not Have Been Combined in
the Manner Recited In Claim 1 Without the Benefit
of Hindsight**

However, even if the art of record taught or suggested each element of claim 1, the applicants submit that the rejection of that claim as obvious should still be withdrawn, because that rejection was made based on impermissible hindsight. As stated in the MPEP, “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.”⁸ Additionally, “rejections on obviousness *cannot* be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”⁹ When this required explanation is not provided, it is assumed that the combination used to support an obviousness rejection was made based on impermissible hindsight.¹⁰

In this case, the rejection of claim 1 was based on taking one element (protocol handler) from Volftsun, one element (data handler) from Bowman-Amuah, and one element (mediation script designer) from Flores,¹¹ then concluding that it would have been obvious to combine them to obtain the invention of claim 1 based on the bald assertion that “converting signals from different sources to one standard format makes the system more efficient and robust.” However, that reasoning is insufficient to support the rejection of claim 1 for at least three reasons.

- First, even assuming that converting signals from different sources to a standard format (as disclosed in Volftsun) would somehow improve the

⁸ MPEP § 2142.

⁹ *Id.* quoting *In re Kahn*, 441 F.3d 977 (Fed. Cir. 2006) (emphasis added).

¹⁰ *In re Kahn*, 441 F.3d 977 (Fed. Cir. 2006).

¹¹ The applicants note that, as set forth above, Flores, Volftsun, and Bowman-Amuah do not actually include those elements. However, for the purpose of making this argument only, the applicants will assume that the recited elements of claim 1 are actually included in the art of record.

system of Flores, there was no explanation of what benefit would have been obtained by further including the database retrieval techniques of Bowman-Amuah. Accordingly, even if it would have been obvious to combine Volftsun with Flores, the combination of Volftsun, Flores *and* Bowman-Amuah cited in the Office Action was made based on impermissible hindsight.

- Second, since one of Flores' objectives is to provide a *unified* tool, it would be illogical to suspect that the components of such a unified tool would send messages to each other in incompatible formats that would benefit from the translation of Volftsun. Therefore, one of ordinary skill in the art would have expected that the combination of Volftsun and Flores (let alone Bowman-Amuah, which, as mentioned previously, was not addressed) to have provided no benefit *whatsoever*, and, absent hindsight, would not have combined even those two references.
- Third, while it can be acceptable to base an obviousness rejection on a combination of known elements according to known methods to yield predictable results, such a rejection requires that the combined elements perform the same functions that they did while separate.¹² In this case, combining Volftsun, Flores and Bowman-Amuah would require modifying the operation of the cited elements from each of those references.¹³ Therefore, one of the basic requirements for using this rationale is not fulfilled, again showing that the combination of Volftsun, Flores and Bowman-Amuah was made based on impermissible hindsight.

Accordingly, even if Volftsun, Bowman-Amuah and Flores did teach or suggest each element of claim 1, the rejection of claim 1 as obvious over those references should be withdrawn, and that claim should be allowed in its current form.

¹² MPEP 2143 (To support a claim of obviousness based on this rationale, the Office Action must include a finding that "in combination, each element merely performs the same function as it does separately.").

¹³ For example, as described previously, if Volftsun does include a protocol handler, that protocol handler only performs a certain type of real-time signal conversion, which is different from the function performed by the protocol handler in claim 1. Similarly, to the extent Bowman-Amuah includes a data handler, the data handler it includes is used only for information retrieval, rather than the manipulation as described in claim 1. For Flores, even if that reference did include a mediation script designer, that mediation script designer does not function in the manner recited in claim 1, as it does not include the same interfaces or information as recited in claim 1.

Claims 2-7

Initially, the applicants note that each of claims 2-7 depends from claim 1, and therefore is not obvious for at least the reasons given above regarding claim 1.¹⁴ Additionally, the applicants note that claims 2-7 recite additional limitations which provide further grounds for distinguishing the cited art. A discussion of certain of those limitations, and explanation of how they are different from the art of record is set forth below.

Claim 4

The applicants note that claim 4 as originally filed provided further limitations on claim 1 by reciting that “a script contains a modifiable element and a nonmodifiable element” and that “the mediation script designer is further configured to display the modifiable element with a graphical annotation that differs from the nonmodifiable element.”

The Office Action asserted that those elements were disclosed by Flores, stating that a script containing modifiable and nonmodifiable elements was taught in column 15, line 10 to column 16, line 10, and that the display of modifiable elements with a graphical annotation which differs from the nonmodifiable elements was taught in component 97 of figure 4, because “Flores teaches a display module that can display all components of a script, including modifiable elements and nonmodifiable elements.”¹⁵

In response, the applicants note that component 97 of figure 4 of Flores is simply a box with the caption “Display Module,” and that the only description provided for that module in Flores is that “[t]he two main shape methods along with the MapView paint method constitute the Display Module 97.”¹⁶ The applicants submit that, even if that disclosure somehow suggests that the display module displays all elements of a script, it does not teach or suggest that those elements are

¹⁴ “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03, citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

¹⁵ Office Action at 5.

¹⁶ Flores, col. 33, ll. 10 – 12.

provided with graphical annotations, nor does it teach or suggest that the modifiable elements are provided with graphical annotations which differ from the nonmodifiable elements. Accordingly, even if the Examiner does not accept the arguments made above regarding claim 1, the rejection of claim 4 should be withdrawn, because the art of record fails to teach or suggest the use of graphical annotation recited in that claim.

While, as set forth above, claim 4 in its original form contained elements not taught or suggested in the prior art, out of a desire to reach an agreement with the examiner, the applicants have amended claim 4 to even more clearly distinguish the graphical annotation in that claim from the simple display module disclosed in Flores. Specifically, the applicants have amended claim 4 to recite that the modifiable and nonmodifiable elements are displayed as icons, and that the icon for the nonmodifiable element is displayed with a graphical annotation comprising a background color which differs from the background color displayed with the icon for the nonmodifiable element. The applicants note that, as Flores does not teach or suggest differing graphical annotations of any kind, that it clearly cannot teach or suggest the display of icons, and divergent background colors as currently recited in claim 4. Accordingly, even if the Examiner feels that claim 4 in the form originally filed is not sufficiently distinct from Flores, the rejection of that claim should still be withdrawn, as Flores clearly does not teach or suggest the elements recited in claim 4 as currently amended.

Claim 8

Claim 8 recites elements of a database containing billing-related usage data; a mediation manager script interface in communication with the database; and a script designer responsive to a user and in client communication with the mediation manager script interface and the database. Claim 8 requires that the mediation manager script interface be operably configured in accordance with a plurality of scripts to perform protocol handling of usage data in the database, to format the usage data into a standard format, and to perform data handling to parse, format and assemble the standard format usage data for distribution. While admitting that no one

reference taught each limitation of claim 8, the Office Action asserted that each limitation of claim 8 was found in at least one of Volftsun, Bowman-Amuah or Flores and that. The Office Action further asserted that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to combine the scripting method of Flores with the data handling techniques of Bowman-Amuah and Volftsun because the combination would provide the added benefit of compatibility with network components that use varying signals.”¹⁷ However, as set forth below, the Office Action’s assertion that each element of claim 8 is taught in at least one of Flores, Volftsun or Bowman-Amuah is based on a misunderstanding of those references, and that several limitations of claim 8 are actually absent from the art of record. Accordingly, the rejection of claim 8 should be reconsidered and withdrawn.

**The Cited Art Does Not Include a Mediation
Manager Script Interface Which is Configured
According to a Plurality of Scripts**

Turning to the mediation manager script interface, the Office Action asserted that a mediation manager script interface in communication with the database and operably configured according to a plurality of scripts was disclosed in Flores, column 6, lines 25-35.¹⁸ However, turning to Flores, the applicants note that the cited section of that reference discloses only the existence of a “Workflow Reporter,” which is “a GUI application that provides an interface to the transaction databases of the system. It allows the observation of the status of current transactions as well as the history and performance of past transactions.” There is no teaching or suggestion *anywhere* in Flores that the “Workflow Reporter” is operably configured in accordance with a plurality of scripts. Indeed, there is no reason to suspect that it would be configured in accordance with a plurality of scripts, since the “Workflow Reporter” is used to observe current and past transactions, while scripts in Flores are used to automate workflow acts and call functions, not to observe a workflow as it is

¹⁷ Office Action at 6-7.

¹⁸ Office Action at 6. The Office Action conceded that those limitations were not taught or suggested in either Volftsun or Bowman-Amuah.

taking place.¹⁹ Accordingly, even if the “Workflow Reporter” of Flores did teach or suggest a “mediation manager script interface,” it does not teach or suggest a mediation manager script interface which is operably configured according to a plurality of scripts, as is recited in claim 8.

**The Cited Art Does Not Include a Mediation Script
Manager Interface that Could Perform the Tasks,
such as Multi-Step Data Handling, Recited for it in
Claim 8**

Additionally, even if the “Workflow Reporter” of Flores did teach or suggest a mediation manager script interface operably configured in accordance with a plurality of scripts, the art of record clearly does not teach or suggest a mediation script manager configured in accordance with a plurality of scripts to perform the tasks recited for the mediation script manager in claim 8. Even the Office Action conceded that Flores does not disclose that the “Workflow Reporter” performs the tasks recited for the mediation manager script interface.²⁰ However, it stated that some of those tasks (data handling to parse, format and assemble the standard format usage data for distribution) were taught by figures 158 and 161, and lines 30-60 of column 275, and lines 20-25 of column 276 of Bowman-Amuah, while others (protocol handling of received usage data, formatting the usage data into a standard format) were disclosed in the abstract of Volftsun. Having reviewed the cited portions of Bowman-Amuah and Volftsun, the applicants submit that they, in fact, do not teach performing the tasks recited in claim 8. Regarding Bowman-Amuah, as set forth above in the remarks for claim 1, the cited sections of that reference disclose a data handler which encapsulates logic used in database retrieval. However, as discussed during the interview, there is no teaching or suggestion that those data handlers perform any type of multi-step manipulation, let alone that the data handlers of Bowman-Amuah are used to format or parse usage data, or that they assemble that data for distribution as recited in claim 8. Similarly, as set forth above in the remarks regarding claim 1, the

¹⁹ Flores, col. 7, l. 67 – col. 8, l. 3 (“A workflow scripting language is available to automate the generation of workflow acts and to set conditions for execution of those acts. Scripting is also used to set conditions for calling other functions or programs or generating E-mail.”).

²⁰ Office Action at 6.

Abstract of Volftsun discloses converting a common channel signaling signal to a channel associated signaling signal, so that two incompatible systems can engage in a voice conversation. There is no teaching or suggestion anywhere in Volftsun that protocol handling or formatting into a standard format is performed for usage data in a database. Indeed, the applicants note that modifying Volftsun to operate on data in a database (rather than signals as they are being transmitted) would prevent that reference from fulfilling its intended purpose – enabling a voice conversation between incompatible systems. Accordingly, even if Flores did disclose a mediation manager script interface operably configured in accordance with a plurality of scripts, the rejection of claim 8 should still be withdrawn, because the art of record does not teach or suggest the mediation manager script interface performing the tasks recited for that element in claim 8.

Even if All Elements of Claim 8 Were Taught in the Cited Art, the Combination of Those Elements Was Improper, Because it Was Based on Impermissible Hindsight, and Would have Rendered One of the Cited References Unsuitable for its Intended Purpose

Finally, even if all of the tasks recited for the mediation manager script interface were taught or suggested in the art or record, the rejection of claim 8 should *still* be withdrawn, as the combination of the cited references was made using impermissible hindsight. The justification for combining Flores with Volftsun and Bowman-Amuah was that the “combination would provide the benefit of added compatibility with network components that use varying signals.”²¹ However, that reasoning simply does not explain what would have motivated one to combine the elements of claim 8 in the manner recited by the applicants. First, as was the case with claim 1, the benefit used to justify the rejection of claim 8 did not require the use of all the cited references. Instead, Volftsun alone could provide the benefit of compatibility with networks using varying signals, and so no motivation has been provided for why Bowman-Amuah should be included in the combination as well. Additionally, as was the case with claim 1, the supposed benefit obtained by

combining Volftsun with Flores makes no sense. The “Workflow Reporter” of Flores, which supposedly teaches the mediation manager script interface, provides an interface to the transaction databases of Flores and allows for observation of current and past transactions.²² As set forth previously, Flores is intended to provide a *unified* tool, and it is illogical to assume that such a *unified* tool would be designed with components that communicate with each other using incompatible signals, thereby requiring the signal translation of Volftsun. Therefore, one of ordinary skill in the art would have expected that the combination of Volftsun and Flores (let alone Bowman-Amuah, which, as mentioned previously, was not addressed) to have provided no benefit *whatsoever*, and, absent hindsight, would not have made it. Further, even if there would have been some benefit provided by combining Flores with Volftsun and/or Bowman-Amuah, modifying Volftsun to operate on data retrieved from a database, rather than on signals in transit would result in that reference being unsuited to its intended purpose – enabling a voice conversation between incompatible systems. As set forth in the MPEP, when an obviousness rejection requires modifying a reference so that it is not suited for its intended purpose, that rejection is improper.²³ Accordingly, even if Volftsun, Bowman-Amuah and Flores did teach or suggest each element of claim 8, the rejection of claim 8 as obvious over those references should be withdrawn as motivated by impermissible hindsight.

Claim 9

As claim 9 depends from claim 8, the rejection of claim 9 as obvious should be withdrawn for at least the reasons set forth above regarding claim 8.²⁴

²¹ Office Action at 7.

²² Flores, col. 6, ll. 26-30.

²³ MPEP 2143.01(V) (“The proposed modification cannot render the prior art unsatisfactory for its intended purpose.”).

²⁴ “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03, citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Claim 10

Claim 10 as filed recited the elements of a means for receiving and protocol handling usage data, a means for assembling, correlating and distributing the usage data, and a means for remotely presenting a graphical user interface for editing a plurality of scripts. Claim 10 also specified that the plurality of scripts control the means for receiving, protocol handling, assembling, correlating, and distributing the usage data. In its rejection of claim 10, the Office Action conceded that Flores does not teach a means for assembling, correlating and distributing usage data, and that Flores does not teach a means for receiving and protocol handling the usage data.²⁵ Nevertheless, it stated that Flores (and only Flores) discloses a means for remotely presenting a graphical user interface for editing a plurality of scripts that control the means for receiving, protocol handling, assembling, correlating and distributing the usage data, *the very elements that the Office Action itself conceded that Flores lacked*. This is a logical impossibility, and strongly suggests that the rejection of claim 10 should be withdrawn. The suggestion that the rejection of claim 10 should be withdrawn is confirmed by an examination of the cited passages of Flores, lines 45-65 of column 4, and lines 48-61 of column 7. Lines 45-65 of column 4 disclose a Workflow Server, but include no disclosure whatsoever of remotely presenting a graphical user interface for editing scripts, nor do they disclose that the scripts control the elements recited in claim 10. Similarly, while lines 48-61 of column 7 disclose a graphical user interface, and a scripting language, they do not disclose or even suggest that the scripts are used to control the elements for receiving, protocol handling, assembling, correlating and distributing the usage data, as is recited in claim 10. Accordingly, even as originally filed, claim 10 included limitations which are not taught or suggested in the art of record. However, while claim 10 as originally filed included limitations not taught or suggested in the art of record, in an effort to reach an agreement with the Examiner, the applicants have amended that claim to explicitly recite that the actions performed in claim 10 are performed in accordance with the

²⁵ Office Action at 7.

plurality of scripts. Thus, the rejection of claim 10 should be reconsidered, and that claim should be allowed in its current form.

CONCLUSION

In light of the arguments made herein, it is respectfully submitted that the claims of the present application meet the requirements of patentability under 35 U.S.C. §§ 101, 103 and 112. Accordingly, reconsideration and allowance of the claims are earnestly solicited. Further, the applicants submit that the above discussion does not constitute an exhaustive list of novel limitations or reasons why the pending claims should be allowed. To the extent the applicants have not addressed certain aspects of the present rejection, or seem to have adopted certain aspects of the present rejection in the arguments made herein, please do not construe the same as an admission as to the merits of the rejections. Additionally, the applicants have made certain amendments not addressed in the remarks which are intended to correct certain obvious typographical errors in the claims as originally filed, and which were necessitated to maintain consistency with the amendments discussed above. No new matter is believed or intended to have been introduced by any of those unaddressed amendments, support for which can be found in the claims and specification as originally filed.

If questions persist or additional matters need to be dealt with prior to allowance, the applicants encourage the Examiner to contact their representative, William Morriss, at (513)651-6915, or wmorriss@fbtlaw.com.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

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